

## **DECLARATION AND POWER OF ATTORNEY**

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **TISSUE ACCESSING AND ANCHORING DEVICE AND METHOD** the specification of which was filed with the United States Patent and Trademark Office on June 12, 2001 and assigned Serial No. 09/880,218.

This application in part discloses and claims subject matter disclosed in earlier filed pending application Serial No. 09/727,112 filed on November 29, 2000, and 09/477,255 filed on January 4, 2000, and 09/856,187 filed on July 16, 1999, and 09/159,467 filed on September 23, 1998, and 09/146,185 filed on September 1, 1998.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by or any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application and to patentability as defined in Title 37, Code of Federal Regulations §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Application Serial No. 09/727,112 filed on November 29, 2000;  
U.S. Application Serial No. 09/477,255 filed on January 4, 2000;  
U.S. Application Serial No. 09/856,187 filed on July 16, 1999;  
U.S. Application Serial No. 09/159,467 filed on September 23, 1998; and  
U.S. Application Serial No. 09/146,185 filed on September 1, 1998.

We hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

J. BRUCE MCCUBBREY, Registration No. 20,687  
RICHARD A. DANNELLS, JR. Registration No. 22,654  
DONALD L. BARTELS, Registration No. 28,282  
JOHN W. CARPENTER, Registration No. 26,447  
DAVID SCHNAPF, Registration No. 31,566  
JERRY G. WRIGHT, Registration No. 20,165  
ROBERT D. BECKER, Registration No. 37,778  
KIM KANZAKI, Registration No. 37,652  
EDWARD J. LYNCH, Registration No. 24,422  
DANIEL D. TAGLIAFERRI, Registration No. 43,178  
JAMES W. DRAPINSKI, Registration No. 46,242  
JAMES A. FOX, Registration No. 38,455  
PRISCILLA H. MARK, Registration No. 41,970  
HAL R. YEAGER, Registration No. 35,419  
STEVEN R. VOSEN, Registration No. 45,186

of the firm

Coudert Brothers  
600 Beach Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94109  
Telephone: (415) 409-2900

and

COLIN D. BARNITZ, Registration No. 35,061  
WILLIAM A. BLAKE, Registration No. 30,548  
GEORGE M. COOPER, Registration No. 20,201  
FELIX J. D'AMBROSIO, Registration No. 25,721  
DOUGLAS R. HANSCOM, Registration No. 26,600  
JIM W. HELLWEGE, Registration No. 28,808  
ERIC S. SPECTOR, Registration No. 22,495

of the firm:  
Jones Tullar & Cooper, P.C.  
2001 Jefferson Davis Highway  
Box 2266, EADS Station  
Arlington, VA 22202  
Telephone: (703) 415-1500

Direct all correspondence to:

Edward J. Lynch  
Coudert Brothers LLP  
600 Beach Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94109  
Tel. No.: (415) 409-2900  
Direct Dial: (415) 351-5681  
Facsimile: (415) 409-7400

Full name of First Joint Inventor: Fred H. Burbank

Executed on 7<sup>th</sup> day of October, 2001.

Inventor's Signature:



Residence:

12 Old Ranch Road  
Laguna Niguel, California 92677

Citizenship:

United States

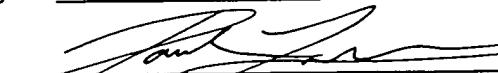
Post Office Address:

(same as above)

Full name of Second Joint Inventor: Paul Lubock

Executed on 5<sup>th</sup> day of OCTOBER, 2001.

Inventor's Signature:



Residence:

30 Bethany  
Laguna Niguel, California 92677

Citizenship:

United States

Post Office Address:

(same as above)

Full name of Third Joint Inventor: John Wardle

Executed on 9<sup>th</sup> day of OCTOBER, 2001.

Inventor's Signature:

John Wardle

Residence:

1603 Via Ameno

San Clemente, California 92672

Citizenship:

United Kingdom

Post Office Address:

(same as above)

Full name of Fourth Joint Inventor: Frank Louw

Executed on 8<sup>th</sup> day of October, 2001.

Inventor's Signature:

Frank Louw

Residence:

2838 Cazadero

Carlsbad, California 92009

Citizenship:

United States

Post Office Address:

(same as above)

Full name of Fifth joint Inventor: Richard L. Quick OCTOBER

Executed on 9<sup>th</sup> day of Richard Quick, 2001.

Inventor's Signature:

Richard Quick

Residence:

22970 Bouquet Canyon

Mission Viejo, California 92692

Citizenship:

United States

Post Office Address:

(same as above)